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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

VICTOR P. GIOTTA and LORALEE GIOTTA,)	Case No. 5:15-cv-00620-BLF
on Behalf of Themselves and All Others)	Hon. Beth L. Freeman
Similarly Situated,)	
)	CLASS ACTION
Plaintiffs,)	ORDER APPROVING
)	THIRD STIPULATION TO AMEND
vs.)	BRIEFING SCHEDULE AS TO
)	MOTION TO DISMISS SECOND
OCWEN FINANCIAL CORPORATION,)	AMENDED COMPLAINT (L.R. 6-
OCWEN LOAN SERVICING, LLC,)	1(b), 6-2)
ALTISOURCE PORTFOLIO SOLUTIONS)	
S.A., ALTISOURCE SOLUTIONS, INC.;)	
WILLIAM C. ERBEY; and DOEs 1-50.)	
)	
Defendants.)	

Pursuant to Local Rules 6-1(b) and 6-2, Plaintiffs Victor P. Giotta and Lorelee Giotta (“the Giottas”), Defendants Ocwen Financial Corporation (“OFC”), Ocwen Loan Servicing, LLC, (“OLS”), William C. Erbey (“Erbey”), and Altisource Solutions, Inc. (“ASI”) (collectively, the “Parties”) hereby respectfully stipulate and jointly request that the Court modify the briefing schedule as to Defendants consolidated motion to dismiss the second amended complaint.

RECITALS

1. This action was commenced on February 9, 2015. (Dkt. 1).

2. On June 19, 2015, the Parties filed a Stipulation to Extend Time to Respond to the Amended Complaint, Modify Briefing Schedule, and for Relief from Stipulated Order Setting Case Management Conference. The Court issued an order approving the stipulation and modified schedule on June 22, 2015. (Dkt. 50).

3. On September 17, 2015, the Court heard Defendants' respective motions to dismiss the Amended Complaint.

4. During the September 17, 2015 hearing, the Court expressed that it disfavored the filing of separate motions on behalf of each named Defendant.

5. On December 11, 2015, this Court issued its Order 1) denying Defendant Erbey's motion to dismiss for lack of personal jurisdiction, 2) granting in part and denying in part Defendant Erbey's motion to dismiss for failure to state a claim, 3) granting in part and denying in part Ocwen defendants' motion to dismiss for failure to state a claim, 4) granting defendant ASI's motion to dismiss for failure to state a claim, and 5) granting Plaintiffs leave to file a Second Amended Complaint. (Dkt. 74).

6. On December 29, 2015, the Parties filed a Stipulation to Extend Time to Respond to Second Amended Complaint, Modify Briefing Schedule, and for Relief From Order Setting Case Management Conference. The Court issued an order approving the stipulation and modified schedule on December 29, 2015. (Dkt. 77).

7. On January 15, 2016, Plaintiffs filed the Second Amended Complaint.

8. On February 2, 2016, the Parties filed a Stipulation to Amend Briefing Schedule as to Motion to Dismiss Second Amended Complaint.

9. On February 3, 2016, the Court issued an Order granting the Parties' request to file consolidated briefing but denying the Parties' request to modify the briefing schedule. The Court stated that the proposed briefing schedule would not give the court adequate time to read and consider briefing of the length proposed.

1 10. The Court stated it “would entertain a stipulated request to continue the hearing
2 date.”

3 11. Pursuant to the Court’s calendar and scheduling notes, counsel for Altisource
4 confirmed with the Court’s calendar clerk that May 19, 2016, was currently available as a hearing
5 date on the Court’s calendar. The parties thereafter stipulated to that hearing date.

6 12. On February 11, 2016, the Court requested that the parties revise the stipulated
7 schedule to set the hearing for June 9, 2016. The parties have agreed to do so.

8 13. While Plaintiffs have been willing to try to accommodate Defendants’ request for
9 additional time in a manner that is also acceptable to the Court, Plaintiffs are concerned that
10 moving the hearing date much beyond June 9, 2016 would create too much of a delay. However,
11 the Parties are mindful that the Court desires additional time to consider this briefing once
12 submitted, and believe that the current proposed briefing and hearing schedule will not unduly
13 delay this action. The proposed and agreed-to dates below are the product of negotiation between
14 the Parties, and allow both additional time for the Court to review the Defendants’ planned
15 consolidated motion, while also allowing the parties additional time to adequately address the
16 complex issues in this case. Pursuant to the foregoing, the Parties hereby stipulate and agree to the
17 following modification and request the Court’s approval of their stipulation to the proposed
18 briefing schedule as follows:

Event	Previous Date	Stipulated/Requested New Date
Last day for Defendants to file a consolidated motion to dismiss the second amended complaint not to exceed 40 pages	2/12/2016	2/29/2016
Last day for the Giottas to file their opposition, not to exceed 40 pages, to Defendants’ consolidated motion to dismiss the second amended complaint	3/11/2016	4/8/2016
Last day for Defendants to file their consolidated reply, not to exceed 20 pages, in support its motion to dismiss the second amended the complaint.	4/1/2016	4/28/2016
Hearing on Defendants’ motion to dismiss the second amended complaint.	4/14/2016	6/9/2016

STIPULATION TO AMEND BRIEFING SCHEDULE AS TO MOTION TO DISMISS SECOND AMENDED COMPLAINT

FEINSTEIN DOYLE PAYNE & KRAVEC, LLC

DATED: February 11, 2015

By: /s/ Joseph N. Kravec, Jr.
Joseph N. Kravec, Jr.
Attorneys for Plaintiffs
Victor P. Giotta and Lorelee Giotta

DATED: February 11, 2015

DENTONS US LLP

By: /s/ Andrew S. Azarmi
Andrew S. Azarmi
Attorneys for Defendants Altisource Solutions, Inc.

DATED: February 11, 2015

LOCKE LORD LLP

By: /s/ James C. Magid
James C. Magid
Attorneys for Defendants Ocwen Financial
Corporation, Ocwen Loan Servicing LLC and
William C. Erbey

CERTIFICATION

Pursuant to Local Rule 5-1(i)(3), the filing attorney attests that he has obtained concurrence regarding the filing of this document from the indicated signatories to the document.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: February 11, 2016

Beth Labson Freeman
Honorable Beth Labson Freeman
United States District Judge

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